

THE NEW YORK TIMES

22 January, 1985

ARTICLE APPEARED  
ON PAGE A-12

## CBS Witness Denies Profiting From Troop Dispute

By M. A. FARBER

Lawyers for Gen. William C. Westmoreland suggested yesterday that Samuel A. Adams had a financial interest in "the whole controversy" surrounding his thesis that the military had lied about enemy strength estimates in South Vietnam in 1967.

But Mr. Adams, a former Central Intelligence Agency analyst who was a paid consultant for a 1982 CBS documentary on the subject that is now at issue in General Westmoreland's \$120 million libel suit against the network, denied he had profited from the dispute.

Completing his cross-examination of Mr. Adams at the 15-week-old trial of the suit in Federal District Court in Manhattan, David Dorsen, a lawyer for the general, recalled that Mr. Adams had said he was "proud of the documentary."

Q. And hasn't this whole matter of order of battle been rather profitable to you as well?

A. Profitable?

Q. Profitable.

A. No, it has not.

### Received Book Contract in 1976

Mr. Adams, who wrote a magazine article on his thesis in 1975, testified that he received a book contract in 1976 and had collected \$20,000 against a \$40,000 advance on royalties if the book is published.

He also said that he was paid \$25,000 as a consultant to CBS during the preparation of the documentary in 1981 and that, on Sept. 13, 1982, when General Westmoreland filed suit, he was rehired by the network "for services" at \$200 a day.

Q. Plus expenses?

A. Plus expenses, that is correct. I maintain a residence in Virginia and I am renting a house down there even though I don't live there.

Which hotels, Mr. Dorsen asked, had Mr. Adams stayed at in New York at CBS's expense?

"I have stayed at the Plaza Hotel," he said, "at the Essex House, I have stayed at a couple of Hilton hotels."

### Billed CBS for \$12,000

Mr. Adams said the only other "job" he has had since 1976 was working his 250-acre farm in northern Virginia. Although his work on this case had occupied him "virtually full time" since September 1982, he said, he had billed CBS so far for only 60 days, or \$12,000.

Q. And if you put in for it, how much will you receive from CBS?

A. I don't know how much I would receive, but I have not put in for it.

Last week, on direct examination, Mr. Adams stressed that his interest in the controversy over enemy strength estimates derived from his belief that thousands of American soldiers had died unnecessarily in Vietnam and that this country still had much to learn from how the military had "misled" it.

Mr. Adams, who will continue on redirect testimony today, is a defendant in this case.

Yesterday, the start of court was delayed for nearly two hours because the cold weather held up two jurors who live north of the city. When the morning session finally began at 11:45, Judge Pierre N. Leval expressed to the jury his "warm appreciation" — "I wish it could be warmer," he said with a smile — for coming at all and for normally being punctual.

For hours thereafter, the courtroom was frigid. Jurors, spectators and reporters wore coats and gloves and scarfs and when Mr. Dorsen, at one point, asked the judge whether it was a convenient time to break for lunch, the judge did not hesitate.

"Yes, it is," he allowed, as everyone ran for the doors.

### Program Charged Conspiracy

General Westmoreland commanded American forces in Vietnam from 1964 to 1968.

The 90-minute CBS Reports documentary — "The Uncounted Enemy: A Vietnam Deception" — charged a "conspiracy" by the general's command to show progress in the war by minimizing the size and nature of North Vietnamese and Vietcong forces in the year before the Tet offensive of January 1968. As a result of that "conscious effort," the broadcast charged, President Lyndon B. Johnson and American troops, as well as the public, were caught "totally unprepared" for the scope of the Tet attack.

The documentary specifically accused the military command in Saigon of "suppressing and altering critical intelligence" on the enemy and of imposing an "arbitrary ceiling" of 300,000 on reports of enemy size, mainly by deleting the Vietcong's part-time self-defense forces from the official listing of enemy strength known as the order of battle.

The removal of approximately 120,000 self-defense forces — done, according to General Westmoreland, to "purify the order of battle" by separating "the fighters from the nonfighters" — was opposed by Mr. Adams and some C.I.A. colleagues in 1967.

But, yesterday, Mr. Dorsen confronted Mr. Adams with a statement he had made six years later during his testimony at the 1973 "Pentagon Papers" trial of Daniel Ellsberg.

Mr. Adams confirmed that he had said, "The problem was in Vietnam to sort out who was a soldier and who wasn't. A person that lays a grenade on a path with a trip wire had, for some purposes, in the earlier order of battle, say in 1966, been considered worthy of being put in the order of battle. Now, whether you consider this man a military man or a civilian I couldn't say."

Mr. Dorsen suggested that Mr. Adams and George Crile — the producer of the documentary and a defendant as well — had put a sinister but unjustified interpretation on General

Westmoreland's action.

Q. Isn't it a fact, Mr. Adams, that you and Mr. Crile took a debate over whether the Administration had or had not been leveling with the press, the public and the Congress and converted it into a serious allegation that General Westmoreland had lied to his superiors?

A. We did not, sir.

### Letter to Colonel Cited

Mr. Dorsen questioned Mr. Adams about a letter he had sent a retired Army colonel on Jan. 20, 1982, three days before the broadcast, in which he had said "there's a major problem: the documentary seems to pin the rap on General Westmoreland when it probably belongs higher than that."

The problem, Mr. Adams explained yesterday, "was not with the broadcast's accuracy or importance but that it did not tell the whole story." Mr. Adams said he felt "at the time that there may have been pressure on General Westmoreland" to falsify evidence "and this was a story that bore following up."

But wasn't it true, Mr. Dorsen asked, that Mr. Adams was "uneasy with the word 'conspiracy' in the sense of a group of people sitting around a table?"

"Not really," said the witness. "I believe there was a conspiracy, there was

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an attempt to do wrong with the numbers, that a group of people did it and did it in secret."

Mr. Dorsen also raised questions about a 1969 West Point textbook, on which CBS relied during the preparation of the documentary, that said the Tet offensive represented "an allied intelligence failure ranking with Pearl Harbor."

Mr. Dorsen asked Mr. Adams whether he knew before the broadcast that the textbook had been discontinued or revised by the mid-1970's, and Mr. Adams said he was unaware exactly when it had been in use.

"I may be wrong on this," he said, "but my understanding is that the book indicated that the attack at Tet had been the biggest surprise to the American military since Pearl Harbor and this was not apparently something that they wanted to tell the West Point cadets at some time later."